

Application Serial No.: 10/796,657

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I.	1-13	Product of Formula (I).
II.	14-17	Product of Formula (II).
III.	18-21	Product of Formula (III).
IV.	22-25	Product of Formula (IV).
V.	26-33	Product of Formula (V).
VI.	34-52	Product of Formula (VI).
VII.	53-59	Method of treatment comprising the administration of compounds selected from formula (I) and formula (II).
VIII.	60	Method of treatment comprising the administration of compounds selected from formula (III) and formula (IV).
IX.	61-77	Method of treatment comprising the administration of compounds selected from formula (V) and formula (VI).
X.	78-83	Method of treatment comprising the administration of compounds selected from formula (I) and formula (II).
XI.	84	Method of treatment comprising the administration of compounds selected from formula (III) and formula (IV).
XII.	85-100	Method of treatment comprising the administration of compounds selected from formula (V) and formula (VI).
XIII.	101-106	Method of treatment comprising the administration of compounds selected from formula (I) and formula (II).

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XIV. 107-113

Method of treatment comprising the administration of compounds selected from formula (I) and formula (VI).

INTERVIEW SUMMARY

Applicants conducted a telephonic interview with Examiner Grazier on October 13, 2005. Applicants' attorneys Arles A. Taylor, Jr. and Jeffrey W. Childers participated in the interview. Applicants sincerely appreciate the time and consideration of Examiner Grazier in discussing the instant subject matter during the October 13, 2005 interview. Applicants respectfully submit that the Remarks presented herein are believed to be consistent with their understanding of Examiner Grazier's positions as presented during the telephonic interview.

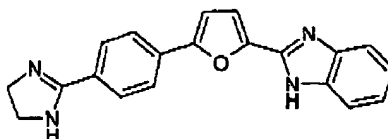
During the course of the interview, rejoining Group II and Group V of the Restriction Requirement, i.e., Claims 14-17, which are directed to compounds of Formula II, and Claims 26-33, which are directed to compounds of Formula V, was disclosed. Examiner Grazier asserted, however, that due to the presence of the second heterocyclic ring, e.g., a benzimidazole moiety, in compounds of Formula II, compounds of Formula II and Formula V would fall under a different sub-group in the U.S. Patent and Trademark Office's chemical classification system. Thus, Examiner Grazier contended that rejoining Group II and Group V would create an undue search burden for the Patent Office.

Examiner Grazier indicated, however, that if applicants elected Group II, i.e., Claims 14-17, which are directed to compounds of Formula II, that she likely would rejoin Group I, i.e., Claims 1-13, which are directed to compounds of Formula I. Examiner Grazier also indicated that she would consider rejoining Group III, i.e., Claims 18-21, which are directed to compounds of Formula III, and Group IV, which are directed to compounds of Formula IV. Further, Examiner Grazier indicated that if the elected compound claims are found to be allowable, she also would rejoin the method claims that include all of the limitations of the allowable compound claims.

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APPLICANTS' ELECTION

Applicants hereby elect with traverse the invention of Group II, claims 14-17, drawn to compounds of Formula II, for prosecution at this time. Applicants further elect the following species, DB772, which is disclosed on page 12, paragraph 0065, of the specification as filed and is representative of the elected compounds of Formula II:



wherein X_1 is O; X_2 is CH; X_3 is NH; X_4 is N; A is an imidazoline group; and R_1 , R_2 , and R_3 are each H.

Per the suggestion of the Examiner rejoinder of one or more of Groups I, III and IV is respectfully requested.

Further, Applicants respectfully request that if the elected compound claims are found to be allowable, the claims relating to a method of treatment comprising the administration of the elected compounds be rejoined.

REMARKS

Claims 1-113 are now pending in the subject U.S. patent application. Claims 1-113 as filed have been subjected to a Restriction/Election Requirement.

In response to the Restriction/Election Requirement, applicants have elected the claims of Group II, claims 14-17, for prosecution at this time.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

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Deposit Account

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

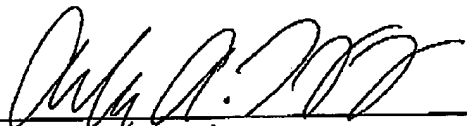
Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date:

10/27/2005

By:



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